

11-7-1991

Legal Entertainment in Television: Programming Guidelines and Social Mores

Todd V. Lamb

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LEGAL ENTERTAINMENT IN TELEVISION:

programming guidelines and social mores

By Todd V. Lamb '94

The role of television in our society has changed drastically over the last thirty years. Once a medium purely for entertainment, television has developed into a hard hitting advocate for social, political, and legal change. Nowhere is this more prevalent than in legal entertainment programming.

Thirty years ago, legal entertainment came in the form of shows like *Perry Mason*. From episode to episode the story lines were similar: Mr. Mason's client was wrongfully accused of a crime. After a lengthy investigation (setting up an Agatha Christie like who-done-it mystery) the case would go to trial. At the trial the mystery would continue to evolve through the testimony of the witnesses. Eventually the guilty party would emerge and Mr. Mason's client would be vindicated. The program provided high quality entertainment, however it did not address any of the significant legal issues of the time.

Today, legal entertainment is presenting contemporary legal issues taken right out of our nation's courts. Often the writers of these shows take on a particular point of view and the program becomes a forum for discussion on the topic.

Recent episodes of *Law and Order* have taken on controversial constitutional issues. In one episode a murder occurred on the streets of New York City. The investigation led the police to a homeless person living in Central Park. The police searched the homeless person's property and found the murder weapon. They did not have a search warrant. Not so coincidentally, several days after the show aired the United States Supreme Court affirmed a Connecticut Supreme Court decision holding that police must get a search warrant to search the personal property of a homeless person even if that person lives on public property.

In a different episode, parents of a sick child refused medical treatment for the child because of religious convictions. The child died. The People brought manslaughter charges against the parents. The jury found the parents guilty. During the trial it became clear that if convicted, the judge would not let the parents see any jail time. In the

epilogue the prosecutor was asked why he pushed for a conviction when he knew the parents would not go to jail. He said that with this case on the books, parents with strong religious convictions might think twice before refusing medical treatment for their children.

L.A. Law has also put a lot of effort into addressing contemporary legal issues. On an episode about a year ago a white police officer killed an Afro-American teenager while responding to a call. After an investigation, the police found that the officer had done nothing wrong. However, a community activist got involved as counsel for the deceased's family. Through the media he managed to have the case brought to trial. At the end of the trial the officer was acquitted. Though there were few similarities between the facts, the community activist on *L.A. Law* had many characteristics like those of Rev. Al Sharpton. The program suggested that crimes in poor and minority neighborhoods are not always investigated and prosecuted with the same effort as crimes in other areas. However, the program went on to suggest that people like the Rev. Al Sharpton can help bridge the gap between police service in the various neighborhoods.

An average group of people who watched an episode of *Perry Mason* would agree with the legal outcome of the program. The same would not be true for a group of people watching *L.A. Law* or *Law and Order*. That is one of the biggest changes in television in the last thirty years, and a good one.

Political and legal issues are being brought into the home on television. Programs like *L.A. Law* and *Law and Order* are heightening public awareness of what is going on in our nations' courtrooms and how our courts make law. Whether you agree with the issues presented is not the point. Neither is whether you agree with the way lawyers are portrayed on television. Television can be a tool to make people think rather than something they get lost in. Today, these programs are trying to make people think.

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MEDIA COVERAGE OF THE THOMAS HEARINGS: SETTING A NATIONAL AGENDA

can be explained in part by the fact that the media is often seen as an invisible and impartial tool of public officials. However, while the Senate Judiciary Committee debated on the innocence of one man, the media became a forum for the issue of sexual harassment in the workplace across America.

Scores of interviews by women who had been sexually harassed by men in the workplace were shown in special news reports. Discussion of how prevalent the problem is were trumpeted over the air waves and brought about a new stream of consciousness. A topic which had been smothered by concern for international turbulence and a depressed economy was thrust into the forefront and became a political hot potato. After supporting Thomas throughout the hearings, President Bush agreed to a modified Civil Rights Bill that will make it easier for victims of sexual harassment to obtain relief. Increased public awareness of sexual harassment at large and an upcoming Presidential campaign in which Bush will rely on the media might very well have been on his mind as he agreed to the bill on the heels of the Thomas confirmation.

Will the media curb themselves after putting two sets of family and friends through a public hell to no avail? Should actions be taken by the government to curb the media's use of information from those who will not take responsibility for them? It is a fundamental purpose of the media to act as a watchdog over public officials, including nominees to the Supreme Court.¹ To insure that this purpose is adequately accomplished **Americans may well have to accept that the use of information provided by unidentified people is a necessary evil.** Unfortunately, the consequences will be a necessary evil as well. The media is a powerful entity. As illustrated by the Thomas fiasco, the media can control both what the public knows, and thus what it thinks about.² If the media can do as much as introduce the ills of our society, it will provide a catalyst for others to cure them. Neither the guilt nor innocence of our newest Supreme Court Justice may ever be unequivocally proven, but the issue of sexual harassment in the workplace may never again be ignored.

¹ Robert M. Entman, *Democracy Without Citizens*, (New York: Oxford, 1989), p.3.

² *Ibid.*, p.77



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Obtrusive Filming

By David Taplitz '94

One of the great things about living in New York is that you can see one of your favorite movie stars being filmed on the same street that you walk home on each day. In fact, you may be forced to walk quite a bit out of your way to get around your favorite movie star. On many summer days in SoHo, you can't walk two blocks without seeing a film crew blocking the street and taking up all of the parking spaces. Luckily for most people, the thrill of seeing a major motion picture being filmed makes up for the hassles. This is not true for many of the building owners who get talked into letting the film company use their property. For a few hundred dollars, and promises of dates with the stars and having your kids put in the movie, the film company gets the building owner to sign an agreement in which the film company can make a complete mess of the property for as long as is specified in the agreement. Of course you don't get the date with the star, or your kids in the film. What you do get is your building in a movie, depicted in any way the film maker wants, even if it is defamatory towards you, untrue, or censurable in nature. It would be wise for building owners to read the agreement carefully before having their property immortalized on film.